

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
MAY 4, 2006**

AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF ZONING APPEALS WAS HELD ON MAY 4, 2006 AT 10:00 A.M. IN WARRENTON, VIRGINIA.

Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Carolyn Bowen; Mr. Serf Guerra; Mr. Roger Martella and Mr. Maximilian Tufts. Also present was Mr. Fred Hodge, Senior Planner.

Mr. Hodge reviewed the site visit agenda. He stated that there would be two (2) site visits as follows:

1. Arrowood, LLC
2. Fauquier County Fair, Inc.

With no further business, the meeting was adjourned at approximately 11:45 a.m., to reconvene at 2:00 p.m. at 10 Hotel Street, Warren Green Meeting Room, Warrenton, Virginia.

MEETING:

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, May 4, 2006, beginning at 2:00 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Mrs. Margaret Mailler, Vice-Chairperson; Mr. James W. Van Luven, Secretary; Mrs. Carolyn Bowen; Mr. Serf Guerra; Mr. Roger Martella; and Mr. Maximilian Tufts. Also present were Mrs. Tracy Gallehr, Deputy County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Mrs. Kimberley Fogle, Assistant Director of Community Development; Mr. Fred Hodge, Senior Planner and Mrs. Fran Williams, Administrative Specialist.

MINUTES:

On motion made by Mr. Van Luven and seconded by Mrs. Mailler, it was moved to approve the April 6, 2006 minutes.

The motion carried unanimously.

LETTERS OF NOTIFICATION AND PUBLIC NOTICE:

Mrs. Williams read the Public Hearing protocol. Mr. Hodge stated that, to the best of his knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners.

**SPECIAL PERMIT #SPPT06-CR-026, AGB WARRANTY SERVICES, LLC
(OWNER)/WILLIAM T. BATES, JR. (APPLICANT) – FOLEY PLUMBING**

Applicant is requesting special permit approval to operate a contractor's office with a material storage yard, PIN #6981-22-9110-000, located at 9751 James Madison Highway, Cedar Run District, Warrenton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made on April 6, 2006.

Mr. Meadows stated that the public hearing was still open.

Mr. Dave Hall, representative, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Van Luven and seconded by Mrs. Mailler, it was moved to grant the special permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for special permits.

The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The site shall be in general conformance with the information and drawings submitted with the special permit application drawings.
2. All equipment and materials must be contained entirely within a building or completely screened from view.
3. A minor site plan or site plan amendment will be required.

The motion carried unanimously.

**SPECIAL PERMIT #SPPT06-MA-031, WAYNE D. & AMY L. PARSONS
(OWNERS/APPLICANTS) – BELLEVUE FARMS**

Applicants are requesting special permit approval to operate a cottage industry for the manufacture of equestrian tack, PIN #6966-40-5146-000, located at 8431 The Mountain Road, Marshall District, Warrenton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes.

Mr. Meadows opened the public hearing.

Mrs. Amy Parsons, applicant, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mr. Tufts and seconded by Mr. Van Luven, it was moved to grant the special permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for special permits.

The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The business shall be operated in general conformance with the information supplied with the special permit application.
2. The applicant will be the lone employee of the business.

The motion carried unanimously.

SPECIAL PERMIT #SPPT06-MA-032, ARROWOOD, LLC (OWNER/APPLICANT) – ARROWOOD, LLC GOLF COURSE

Applicant is requesting special permit approval to construct a private twelve hole golf course, PIN #6064-62-7167-000 and 6063-69-7741-000, located at 1342 Rokeby Road and 1518 Rokeby Road, Marshall District, Upperville, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day.

Mr. Meadows opened the public hearing.

Mr. Ben Rogers, representative, expressed agreement with the staff report.

In that there were no further speakers, Mr. Meadows closed the public hearing.

On motion made by Mrs. Mailler and seconded by Mr. Tufts, it was moved to grant the special permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.
5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for special permits.

The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The site shall be in general conformance with the drawings and information submitted with this special permit application.
2. The facility will be for the use of the owners and their guests. No public golf events will be allowed.
3. No groundwater will be used to irrigate any portion of the golf facility.
4. Site plan approval is necessary.

The motion carried unanimously.

SPECIAL PERMIT #SPPT99-CT-017, FAUQUIER COUNTY FAIR, INC. & FAUQUIER COUNTY BOARD OF SUPERVISORS (OWNERS)/FAUQUIER COUNTY FAIR, INC. (APPLICANT)

Applicant is requesting a special permit amendment to utilize additional land for fairground use and clarify allowed activities, PIN #6993-27-9115-000 and 6993-16-9798-000 (a portion of), located at 6209 Old Auburn Road and 8339 Meetze Road, Center District, Warrenton, Virginia.

Mr. Hodge reviewed the staff report, a copy of which is attached to and made a part of these minutes, and stated that a site visit was made earlier in the day. Mr. Hodge further stated that the Fauquier County Fair, Inc. is a private, non-profit organization.

Mr. Meadows opened the public hearing.

Mr. Wayne Locke, representative, expressed agreement with the staff report. Mr. Locke clarified Mr. Hodge's statement, stating that while some events held at the fairgrounds are non-profit, others (i.e., weddings, funeral, birthday and anniversary receptions and/or celebrations), are for profit and that funds from these events help cover expenses for the upkeep of the building and grounds.

Mrs. Mailler expressed concern about the traffic on Old Auburn Road (Route 670) and inquired about the maximum occupancy of the building. Mr. Locke stated that he does not know what the current maximum occupancy of the building is.

Ms. Lynn Pirozzoli, a neighbor and owner of the Black Horse Inn, presented the BZA with a statement, a copy of which is attached to and made a part of these minutes. Ms. Pirozzoli stated that while she supports the fair she is concerned about the impact that outdoor events with amplified sound have on her business.

Ms. Patricia Cutts, a neighbor, spoke in opposition to the granting of this special permit. Ms. Cutts expressed concern about the noise levels of the outdoor events held at the fairgrounds as well as the increased traffic on Old Auburn Road (Route 670).

In that there were no further speakers, Mr. Meadows adjourned the public hearing.

The Board discussed lighting, noise levels, the fees charged for use of the building, and security for events such as proms.

Mrs. Bowen stated that she supports the Fauquier County Fair, but would like action on this application postponed to allow time for the conditions to be further developed.

On motion made by Mr. Guerra, and seconded by Mrs. Mailler, it was moved to postpone action on the entire application for thirty (30) days to allow time for the applicant to meet with staff to determine what events are acceptable.

Following discussion, the motion failed 1 – 6 as follows:

AYES: Mr. Guerra

NAYS: Mr. Meadows, Mrs. Mailler, Mr. Van Luven, Mr. Tufts, Mrs. Bowen,
Mr. Martella.

ABSENTION: None

ABSENT: None

Mrs. Bowen suggested that the property could be accessed from Meetze Road (Route 643) for larger events in order to alleviate some of the traffic congestion on Old Auburn Road (Route 670).

On motion made by Mr. Tufts and seconded by Mr. Van Luven, it was moved to grant a portion of the special permit, after due notice and hearing, as required by *Code of Virginia* §15.2-2204 and Section 5-009 of the Fauquier County Code, based upon the following Board findings:

1. The proposed use will not adversely affect the use or development of neighboring properties and will not impair the value of nearby land.
2. The proposed use is in accordance with the applicable zoning district regulations and applicable provisions of the Comprehensive Plan.
3. Pedestrian and vehicular traffic generated by the proposed use will not be hazardous or conflict with existing patterns in the neighborhood.
4. Adequate utility, drainage, parking, loading and other facilities are provided to serve the proposed use.

5. Air quality, surface and groundwater quality and quantity will not be degraded or depleted by the proposed use to an extent that would hinder or discourage appropriate development in nearby areas.
6. The proposed use is consistent with the general standards for special permits.

The special permit is granted subject to the following conditions, safeguards, and restrictions upon the proposed uses, as are deemed necessary in the public interest to secure compliance with the provisions of this Ordinance:

1. The fairgrounds may be utilized for the following fair event:
 - County fair, which is scheduled for July 13 – 16, 2006, with a reasonable period of time for set-up and clean-up.

Mr. Tufts further moved to consider the remainder of the application at the next regularly scheduled meeting.

The motion carried unanimously.

OTHER BUSINESS:

Ms. Johnson introduced Mrs. Kimberley Fogle who was recently hired as the new Assistant Director of Community Development.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 3:08 p.m.

John R. Meadows, Chairperson

James W. Van Luven, Secretary

Copies of all files and materials presented to the BZA are attached to and become a part of these minutes. A recording of the meeting is on file for one year.